

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, JUNE 1, 2006**

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**CALL TO ORDER**

Ellen Gennrich, Vice-Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Gary Goodchild	Walter Kolb
	Pat Haukohl	Betty Willert	Ellen Gennrich

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager  
Kathy Brady, Secretary Supervisor

Guests Present:	Dale Kolbeck	Atty. Dean Richards	Ailene Peebles
	Marilyn Lauterbach	Ken Lauterbach	Ray Peebles
	Robb Peebles	Ronda Sivch	Mark Blum
	Lisa Conley	Mary Sietoff	Michael Toebes
	Laurie Layton	Robert Stigler	John Stigler

**CORRESPONDENCE:** None.

**MEETING APPROVAL** None.

**MINUTES**

- *Mrs. Willert moved, seconded by Mr. Baade, and carried unanimously, for approval of the April 20, 2006, Minutes.*
- *Mrs. Willert moved, seconded by Mr. Goodchild, and carried unanimously, for approval of the May 4, 2006, Minutes.*

**PUBLIC COMMENT**

Vice Chairperson Gennrich asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

- **SZT-1613 (Robert Stigler) Town of Waukesha, Section 35 (A-1 Agricultural and C-1 Conservancy Districts to the R-1 Residential and C-1 Conservancy Districts under the Town of Waukesha Zoning Ordinance and zone Shoreland areas to the R-1 Residential and C-1 Conservancy Districts under the Waukesha County Shoreland and Floodland Protection Ordinance)**

Mr. Mace presented the "Staff Report and Recommendation" dated June 1, 2006, and made a part of these Minutes. He pointed out the location of the property, at W235 S6089 Big Bend Road in the Town of Waukesha, on the aerial photograph.

Mrs. Haukohl pointed out that the "Staff Report and Recommendation" incorrectly notes the property is located in Section 25, but it is actually located in Section 35. Mr. Mace said the correction would be made. Mrs. Haukohl asked, "What is the density of the property?" Mr. Mace replied, in the Town's Code, A-1 requires 20 acres unless a Planned Unit Development (PUD) is being requested and the

density would then be one (1) unit per three (3) acres. Mr. Stigler (property owner) presented a Preliminary Plat for the development to the Commission. Mr. Mace pointed out on the aerial photograph, two streams which flow from east to west on the property. Vice-Chairperson Gennrich inquired, about the building located on the southwest portion of the property with access to Town Line Road. Mr. Stigler stated that it was a cell tower. Mrs. Willert asked, referring to the Preliminary Plat, if the building envelopes on Lots 1 and 2 go into the wetland? Mr. Stigler (from Jahnke and Jahnke) replied, "No", and noted that the plans have been revised indicating a 75' setback. Vice-Chairperson Gennrich noted the "Staff Report and Recommendation" states, "The proposed subdivision layout indicates that most of the wetland areas will be located in two outlots, which will contain storm water detention areas". She said the wording of the above sentence was not clear and could be confusing in that the storm water detention areas are being located in the wetlands. Mr. Stigler (developer) clarified that the storm water detention areas are not located in the wetlands. Mr. Mace said he would reword the sentence to clarify the issue. Mrs. Willert asked how far back the building envelopes were from the upper stream, to which Mr. Mace replied approximately "75 ft. to 80 ft." Mrs. Haukohl suggested a condition be added that the building envelope stay out of the wetland. Mr. Goodchild said it is already required by Ordinance. He asked if there would be an identifier in the field (especially for Lots 1 and 2) to indicate no grading or construction within 75' of the wetland boundary? Mr. Mace replied, "No". Vice-Chairperson Gennrich pointed out that the wetland is not Primary Environmental Corridor. Mrs. Haukohl said (with regards to density) that what the land can support is important. Vice-Chairperson Gennrich and Mrs. Willert thought the density for the development was appropriate and noted that the Town was in favor of the rezone.

*After discussion, Mr. Kolb moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **SZ-1611 (Town of Lisbon) Section 32 (C-1 Conservancy District to the P-I Public and Institutional and C-1 Conservancy Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated June 1, 2006, and made a part of these Minutes. He pointed out the location of the property, south of the intersection of C.T.H. "K" and C.T.H. "KF" in the Town of Lisbon on the aerial photograph.

Mr. Mace indicated the Town purchased the property in 2003 for a future fire station. During grading of the site, wetlands were inadvertently cleared on the south part of the parcel. The Town, Wisconsin Department of Natural Resources and Waukesha County worked on a Restoration and Planting Plan for the disturbed area. The Town also worked out an irrevocable Occupancy Agreement with the Waukesha County Highway Department for the triangular piece of property north of the site to allow additional parking. The fire station building will be located outside of the wetland and would be a shared facility with the Village of Hartland.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **SZ-1576A (Architectural Homes by Anders, Inc.) Town of Oconomowoc, Section 9 (A-T Agricultural Land Preservation Transition District to the R-2 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated June 1, 2006, and made a part of these Minutes. He pointed out the location of the property east of Mill Street, bordered on the south by the Ashippun River in the Town of Oconomowoc on the aerial photograph.

Vice Chairperson Gennrich read into the record, correspondence from Mr. Tom Martin, Town of Oconomowoc Supervisor dated May 24, 2006, a Memorandum from Mr. John Koepke dated May 1, 2006, a copy of the June 20, 2005, Town of Oconomowoc Plan Commission Minutes, correspondence from Mr. Ray Peebles dated May 28, 2006 and correspondence from Mrs. Barb Pinter, dated May 31, 2006. Mr. Mace pointed out that the Peebles Farm is located to the north and the Roth property to the south. Vice Chairperson Gennrich asked if the Town denied the request? Mr. Mace replied, the Town Plan Commission approved the request and the Town Board denied the request. However, because the area is under Shoreland Jurisdiction, the Town Board's vote is an advisory vote only.

The property, other than the Primary Environmental Corridor along the river, which will remain preserved, was amended by the Town in 2004 from the 35-acre Agricultural category to the Low Density Residential category and by the County in 2005 from the Agricultural Preservation category to the Suburban II Density Residential category. The petitioner originally requested a zoning change to the R-2 Residential category, which allows 30,000 sq. ft. lot sizes, however, since the request did not comply with the Land Use Plan Amendment conditions, the petitioner was advised at the Public Hearing to revise the request to the R-1 Residential category. Mrs. Haukohl asked what type of soils were on the property? Mr. Mace answered, the majority are Class I Prime Ag soils.

Attorney Dean Richards (representing the petitioner) said the Town Plan Commission and Waukesha County recognize the nature of the property and only the Town Board has chosen not to follow the plan that is in place for the property. The original proposal submitted to the Town included a 14-lot subdivision of which two lots have been eliminated, a subdivision road, which runs parallel to the river line and all of the residences will be south of the subdivision road but north of the river. In addition, there is no river frontage produced by the subdivision. All of the lots will be upland and Waukesha County will receive the greenway corridors along the river including the buffer zone. With the elimination of the two lots, a buffer zone will exist between the Peebles farm to the north and the subdivision to the south. The Plan complies fully with what has been planned for the property.

Attorney Blum (representing the Peebles Family) said in 1959, the property was originally zoned agricultural. There is a difference between the Master Land Use Plan and the zoning of the property. It currently is in an agricultural district. The Master Land Use Map is a guide to help decide if the request is an appropriate change. The land deserves preservation and agricultural preservation is a goal worthy of the citizens of the County. The area is one of the last areas in Waukesha County where there is a aggregation of farmlands, and to intrude on the lands with development will lead to the ultimate demise of the area as a legitimate farm area. Until the zoning is in effect to allow for the Preliminary Plat to be considered, it is irrelevant and not material to the determination of whether the rezone is appropriate. In closing, farming does have a place in the County and should be preserved. Mr. Kolb asked Attorney Blum if the petitioner's proposal goes against anything in the Waukesha County Land Use Plan or any Ordinances or regulations of the Town? Attorney Blum replied, the zoning is currently in the Agricultural category and it is inappropriate to consider the Conceptual Plat until the zoning is established. Mr. Kolb said the Commission prefers to see plans for a particular development before considering zoning changes.

There were many comments from adjacent farm owners, their family members and citizens, all in opposition of the proposed rezone. Their reasons are summarized below:

- The land is Prime Agricultural farmland with Class I soils and should be protected and kept in the Agricultural category.
- Manure, insecticides and herbicide smells would be offensive and cause conflicts with residential neighbors.
- This is the last group of active farms in the area and is worth preserving.
- Concerns for the safety of residents with additional vehicle traffic.
- Concerns for mound systems next to the Ashippun River.
- There is a signed petition with 225 citizen signatures against the development of the property. At the public hearing, the majority of the citizens who attended were against the rezoning.
- Additional impervious surfaces will be created.
- Water concerns.
- The natural beauty of the land and views would be affected.
- Setback is not adequate.
- The Town Board denied the rezoning.

Mr. Kolbeck, petitioner, said he reviewed the Town's objections after they denied the proposal the first time. At that point, the Plan was revised with a 300' buffer on the farm side of the property, a dedication to the County for greenway along the Ashippun River and a reduction from 14 lots to 12 lots with 75% open space. He added that Mr. Runyard, Town of Oconomowoc Plan Commission Chairperson (who had farmed the property in the past) noted that it was difficult to farm that particular parcel and not have runoff into the river. He felt 12 homes would have less pollution than the land being used for agriculture up to the rivers edge. Attorney Richards added, the Concept Plan would be followed and the conditions within the Staff Report and Recommendation are incorporated. The former agricultural landowner sold the property to the developer after reviewing the County's plan details.

Mrs. Haukohl said when the original Waukesha County Development Plan was developed there were certain areas of the County, which were designated Agricultural Preservation and then later modified to add more areas called Agricultural Preservation Transition areas. The definition of Agricultural Preservation was changed and certain qualifications needed to be met (at least 35 contiguous acres and 60% Prime and Class I soils). She asked why this particular parcel was not designated in the Agricultural Preservation category? Mr. Baade replied, that in 1993, the Town of Oconomowoc's Master Plan designated the property as Ag Transitional because it was supposed to be a buffer from the more urban area of Monterey. Mrs. Haukohl noted, besides a small amount of residential most of the surrounding property is Agricultural. She felt the property should never have been placed in the Agricultural Preservation Transition category and it should be in the Agricultural Preservation category. She added, that it would undermine the original Land Use Plan in that farmland should be protected. She is not against the Conceptual Plan for the development, however, certain areas should be protected.

Mr. Goodchild asked Mr. Mace to provide some history for the property? Mr. Mace replied that the original Agricultural Plan for Waukesha County (adopted in December 1984) placed the land in the three to five acre category. In 1993, the new Town Plan came into effect and was zoned A-1 Agricultural. The reason it was not placed in the Ag Transition category on the original Agricultural Plan was that there was a previous historical development commitment. In 1993, it was decided the land would not be changed to Ag Preservation and was left in the three to five acre category and ultimately rezoned to the Ag Transition category. The Ag Transition category recognizes there may be an existing

farm operation on a site but that it would be developed in the future. In 2003 to 2004, the Land Use Plan category was changed to the Ag Preservation category. Vice-Chairperson Gennrich mentioned, the property met and still meets the definition for the Ag Preservation category. Mr. Mace added that commitments were made based on the Agricultural Plan from 1984, which were honored. Mrs. Willert asked if the property is currently being farmed? Mr. Mace replied “No”. Vice-Chairperson Gennrich said the Town Plan Commission felt they had received more information after the public hearings, however, adjacent landowners are not notified for Land Use Plan amendments only for the rezoning of properties. She expressed concerns that the Commission seldom receives opposition from a group of farmers against development of Ag land and the goal of the Land Use Plan is to preserve Ag lands. Mr. Goodchild expressed concerns that the Town Board was not in favor of the project and seemed to have wanted the land placed in the Ag Preservation category. However, the Developer has proposed a good subdivision, with a buffer for the farmlands. He asked, if the Commission denies the rezone would the land stay in the Ag Transitional category (35 acre minimum)? Mr. Mace answered, “Yes”. Vice-Chairperson Gennrich said in 10 or 15 years or when the time comes for the adjacent farmland to be developed the property could be rezoned and did not want to go against the Town Board’s decision. Mr. Kolb said it is a viable development for the area, however, he also did not want to go against the Town Board’s decision.

**First Motion:**

*After a lengthy discussion, Mr. Baade moved for approval of the rezone, the motion failed for lack of a second.*

**Second Motion:**

*Mrs. Haukohl moved, seconded by Mr. Goodchild and carried by a vote of 5 to 1 (Mr. Baade voted against) to deny the rezoning.*

• **PO-06-LSBT-03 (Fairways of Woodside Driving Range, Michael Toebes) Town of Lisbon, Section 11**

Mr. Mace presented the “Staff Report and Recommendation” dated June 1, 2006, and made a part of these Minutes. He pointed out the location of the property, on the west side of Woodside Road, immediately north of the 18<sup>th</sup> hole of the Woodside Golf Course in the Town of Lisbon on the aerial photograph and stated the petitioner is requesting Site Plan/Plan of Operation approval for a driving range, gravel path, a 6’ x 10’ ball shack, parking for the driving range and overflow parking for special events.

Vice-Chairperson Gennrich asked if the driving range was located in a Natural Area? Mr. Mace replied “No”. Mr. Toebes indicated the Grading Plan has already been approved. He presented a map indicating the parking, additional parking and grading for the Plan of Operation.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mrs. Willert moved, seconded by Mr. Baade to adjourn at 3:20 p.m.*

Respectfully submitted,

Pat Haukohl  
Secretary

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